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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,178	09/19/2000	David Gilbert	462-99-012	1901

128 7590 09/07/2005

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EXAMINER

NGUYEN, HUY D

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,178

Applicant(s)

GILBERT, DAVID

Examiner

Huy D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-23, 25-31, 33, 34, 37, 38, 40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-15, 17-23, 25-31, 33, 34, 37, 38, 40 and 41 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/20/2005 have been fully considered but they are not persuasive.

Regarding claim 1, the applicant submitted that Coberfin et al. does not teach an RF detector that detects RF emissions of the separate wireless phone, and the controller is coupled to the RF detector to control RF emissions based on the detected RF emissions to maintain them below a predetermined level. The examiner argues that the preceding limitations are inherent since in order to control and maintain the RF emission below a predetermined level (e.g., interference level), an RF detector is needed to detect if the RF emission is equal to or above the interference level and the controller needs to get information from the RF detector so that the controller can control the operation of the phones to maintain their emissions below the interference level. Therefore, the controller has to be coupled to the RF detector in some way.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Coberfin et al. (U.S. Patent No. 6,269,243) in view of Zicker (U.S. Patent No. 5,995,833).

Regarding claim 1, Coberfin et al. teaches an on-board base station (e.g., transponder 4, figure 2), comprising: an interface device (e.g., antenna 3, figures 1 & 2) on board an aircraft that interfaces with a separate wireless phone of a user inside the aircraft and with a wireless bearer system (figure 1), an RF detector that detects RF emissions of the separate wireless phone (this is inherent since in order to control and maintain the RF emission, an RF detector is needed); a controller (e.g., means of authority 5, column 4, line 30) coupled to the RF detector (this is inherent), that controls RF emissions of the separate wireless phone, as a function of detected RF emissions (e.g., this is inherent), to maintain the RF emissions below a predetermined level (e.g., interference level, column 4, lines 17-36). Or in the alternative, Zicker teaches a controller (e.g., controller 44, column 6, line 17) that controls RF emissions of the separate wireless phone to maintain the RF emissions below a predetermined level (e.g., minimal power level, column 6, lines 26-31).

Allowable Subject Matter

4. Claims 8, 12, 18, 26, 34, 41 were allowed previously with the reason set forth in the previous office action (dated 3/08/2005).

Claim 13 has been amended to include the allowable subject matter of claim 16. Therefore, claim 13 is now allowable with the same reason set forth in the previous office action (dated 3/08/2005).

Claim 19 has been amended to include the allowable subject matter of claim 24. Therefore, claim 19 is now allowable with the same reason set forth in the previous office action (dated 3/08/2005).

Claim 27 has been amended to include the allowable subject matter of claim 32. Therefore, claim 27 is now allowable with the same reason set forth in the previous office action (dated 3/08/2005).

Claim 37 has been amended to include the allowable subject matter of claim 39. Therefore, claim 37 is now allowable with the same reason set forth in the previous office action (dated 3/08/2005).

Claims 2-7, 9-11 depend on claim 8. Therefore, they are allowable.

Claims 14-15, and 17 depend on claim 13. Therefore, they are allowable.

Claims 20-23, 25 depend on claim 19. Therefore, they are allowable.

Claims 28-31, 33 depend on claim 27. Therefore, they are allowable.

Claims 38 and 40 depend on claim 37. Therefore, they are allowable.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HN

Huy Nguyen


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER